

19 DEC 1975

MEMORANDUM FOR: Deputy Director of Central Intelligence

THROUGH : Deputy Director for Intelligence

SUBJECT : Revision of USIB Policy on Release of Foreign  
Intelligence to Contractors

REFERENCE : (a) USIB-D-71.8/2, 2 April 1970  
(b) DCID No. 1/7, effective 5 October 1975

1. Following approval of DCID No. 1/7 (Reference b), the USIB approved paper on this subject (Reference a) was referred to the Security Committee for review to ensure its conformance with the new DCID.

2. The Security Committee has completed its review and has submitted a coordinated revision (copy attached), copies of which have been circulated to USIB members (see USIB-D-71.8/3, 8 December 1975) asking for their concurrence on other views.

3. Although the revision considered by the Security Committee had been coordinated with the major Directorates of the Agency, I am presently in receipt of additional recommendations for change which I consider worthy of note.

a. Paragraph 1d, page 2 the word "expiration" should be changed to "completion". Technically our contracts expire each year and documents should only be returned upon completion of the contract.

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c. Paragraph 1f, page 3, add the phrase "Contractors will ensure that" to the opening line of the paragraph. The wording under this change more closely conforms to that of the previous and following paragraphs by placing the responsibility directly on the contractor. Under the proposed change paragraph 1f would read:

"Contractors will ensure that intelligence materials will not be released to foreign nationals whether or not they are also consultants, U.S. contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency."

d. Paragraph 2, page 3, delete third item "National Intelligence Projects for Planning (NIPPs)". They are no longer being produced.

4. It is noted that the Security Committee has recommended that this policy statement be reissued by USIB as an unclassified document. I submit that in order to provide for the widest degree of utility, the paper should be an unclassified publication.

5. Having completed coordination with the major Directorates and concerned offices of the Agency, I recommend that you present the changes proposed in paragraph 3 above, and that you approve of the policy statement reissuance as an unclassified document.

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*D* CIA Member  
Security Committee, USIB

Attachment:  
As stated

Approved For Release 2006/03/28 : CIA-RDP82M00591R000400010006-2

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75-10482



UNITED STATES  
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION  
WASHINGTON, D.C. 20545

24 December 1975

Mr. William E. Colby  
Director of Central Intelligence  
Central Intelligence Agency  
Washington, D.C.

Dear Bill:

I refer to our correspondence in October and December 1974 and in January 1975 relative to our concern about the flow of information to ERDA's weapons laboratories under the foreign intelligence dissemination controls of DCID 1/7. As you are aware, ERDA (and formerly the AEC) has consistently held that the intelligence components of certain of its government-owned, contractor-operated facilities (Oak Ridge, Los Alamos, Lawrence Livermore, and Sandia-Albuquerque) are in effect an extension of ERDA's National Security staff insofar as such controls are concerned.

It is my understanding that, in drafting the revised DCID 1/7 (published August 7, 1975), the Compartmentation Subcommittee addressed ERDA's concern and intended that footnote No. 3 on page 2 of the new directive provide for the treatment of our laboratories not as "contractors" but as authorized channels for foreign intelligence in order that ERDA's intelligence contributions to the USIB might continue without interruption. However, it has been suggested by our Office of the General Counsel that a strict interpretation of the NOCONTRACT marking (paragraph 5.a(3)) of the new directive could exclude the ERDA laboratories, as "contractors", from general dissemination of certain intelligence information.

This matter has recently been reviewed at the Compartmentation Subcommittee level, and the original intent of the drafters has been reaffirmed. The Chairman of the Security Committee has



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Mr. William E. Colby

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endorsed this reaffirmation by concurring in this letter. Accordingly, I ask that you inform USIB agencies that the provisions of DCID 1/7, as revised and set forth in paragraph 5.a(3), do not apply to those ERDA laboratories which are designated "authorized channels" by the undersigned Senior Intelligence Official of ERDA pursuant to footnote 3 on page 2 of DCID 1/7.

Inasmuch as ERDA is required to issue specific implementing instructions to its laboratories promulgating the new provisions of DCID 1/7, your early consideration of the above request would be appreciated.

By separate letter to you I am designating ERDA's primary referent per paragraph 6d of DCID 1/7, and designating authorized channels for dissemination of intelligence information per footnote 3, page 2 of DCID 1/7.

Sincerely,

  
Edward B. Giller

Deputy Assistant Administrator  
for National Security

cc: USIB Security Committee  
Chairman

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## EXECUTIVE SECRETARIAT

### Routing Slip

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2	DDCI		
3	S/MC		
4	DDS&T	✓	
5	DDI		
6	DDA		
7	DDO		
8	D/DCI/IC	✓	
9	D/DCI/NIO		
10	GC		
11	LC		
12	IG		
13	Compt		
14	D/Pers		
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Remarks:

*A* Executive Secretary  
12/30/75  
Date

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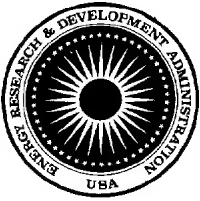
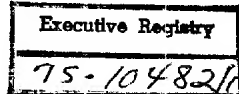
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UNITED STATES  
ENERGY RESEARCH AND DEVELOPMENT ADMINISTRATION  
WASHINGTON, D.C. 20545

24 December 1975

Honorable William E. Colby  
Director of Central Intelligence  
Washington, D.C. 20505

Dear Mr. Colby:

As the senior intelligence official of the Energy Research and Development Administration, I have initiated appropriate actions to implement the revised DCID Number 1/7 within ERDA. Pursuant to paragraph 6. d. of the Directive, I have designated the Assistant Director for Intelligence Analyses and Net Assessments, Division of International Security Affairs, as ERDA's primary referent for interagency consultation concerning utilization of intelligence and information. The incumbent official (Acting) is Fred I. Chanatry, IDS Code 119, extension 3358.

Pursuant to paragraph 3. d. (footnote 3), I hereby designate the intelligence components of the following National Weapons Laboratories as "authorized channels" for the receipt and use of foreign intelligence and information:

Lawrence Livermore Laboratories  
Los Alamos Scientific Laboratories  
Sandia Laboratories-Albuquerque  
Oak Ridge Gaseous Diffusion Plant

Further, I hereby delegate to the Director, Division of International Security Affairs authority to disseminate foreign intelligence to properly cleared ERDA officials on a "need-to-know" basis. The incumbent Director is James G. Poor.

Sincerely,

Edward B. Gilier  
Deputy Assistant Administrator  
for National Security  
ERDA USIB Representative

cc: Chairman, USIB Security  
Committee



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6	DDA		✓		
7	DDO				
8	D/DCI/IC	✓			
9	D/DCI/NIO				
10	GC				
11	LC				
12	IG				
13	Compt				
14	D/Pers				
15	D/S				
16	DTR				
17	Asst/DCI				
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Remarks:

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UNITED STATES INTELLIGENCE BOARD  
OFFICE OF THE EXECUTIVE SECRETARY

USIB-AM-2/75  
14 August 1975

MEMORANDUM FOR CHAIRMAN, INTELLIGENCE INFORMATION  
HANDLING COMMITTEE

SUBJECT : USIB Policy Paper on Information  
Release to Contractors

REFERENCES : a. USIB-D-71.8/2, 2 April 1970, same subject,  
and Memorandum for Holders thereto,  
9 April 1970  
b. DCID No. 1/7, Effective 5 October 1975  
(Advance copy of DCID 1/7 circulated as  
USIB-D-5.1/42, 8 August 1975)

1. On 2 April 1970, the United States Intelligence Board approved and circulated the IHC recommendations on the subject of Release of Intelligence to Contractors (reference a.). A copy is attached.

2. The Director of Central Intelligence with the concurrence of the Board approved on 8 August DCID No. 1/7, "Control of Dissemination of Foreign Intelligence," (reference b.) which becomes effective on 5 October. It is, therefore, requested that the IHC review reference a. to ensure conformance with the new DCID. Upon completion of your review you may find it necessary to amend or cancel reference a. Any recommendations for change (or cancellation) of this document should be prepared for USIB consideration.



Executive Secretary

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Attachment: as/stated

cc: D/DCI/IC

Chairman, Security Committee

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USIB-D-71.8/2

2 April 1970

UNITED STATES INTELLIGENCE BOARD

MEMORANDUM FOR THE UNITED STATES INTELLIGENCE BOARD

SUBJECT : USIB Policy Paper on Information  
Release to Contractors

REFERENCES : a. USIB-D-71.8/1, 20 March 1970  
b. Memorandum for Holders of  
USIB-D-39.5/19, 28 September 1967


1. On 2 April 1970 the United States Intelligence Board approved the IHC recommendations in reference a. that:

a. The present memorandum on USIB Policy on Release of Intelligence to Contractors (reference b) be modified, by the addition of footnote 5 to para. 1. b.

b. Each USIB member organization modify pertinent instructions and directives to ensure that officers responsible for release of documents to contractors remove source information as stipulated in footnote 5 to para. 1. b. of the revised policy.

2. Accordingly the attached USIB approved revision of "USIB Policy on Release of Intelligence to Contractors" (which supersedes that contained in reference b. dated 28 September 1967) is circulated for information and appropriate implementation by USIB member agencies.

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Executive Secretary

Attachment

Distribution:

Regular "D" plus:

135 cys to IHC Committee

1 cy to Chairman, IHC

100-4474 6045 - DEL/TDD SH  
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GROUP 1  
Excluded from automatic  
downgrading and  
declassification

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USIB Policy on Release  
of Intelligence to Contractors<sup>1/</sup>

1. In order that the member agencies may more effectively discharge their responsibilities, and without intent to limit such broader authority or responsibility as any may now have under law, NSC directive, or special agreements among them, the United States Intelligence Board is agreed that selected intelligence<sup>2/</sup> may be made available by recipient USIB members or their designated subordinates to certain contractors without referral to the originating agency, provided that:

1/ General policy is set forth in DCID No. 1/7: Controls for Dissemination and Use of Intelligence and Intelligence Information (New Series), approved 2 February 1967; see especially para. 6.a. (2).

2/ This directive deals solely with intelligence, which for purposes of this directive, is defined as information reports and intelligence produced and disseminated by CIA, INR/State, DIA, NSA, ACSI/Army, Naval Intelligence Command, ACSI/Air Force, the AEC and the military commands. This specifically excludes Foreign Service reporting and communications intelligence. Permission to release Foreign Service reporting must be obtained from the Department of State, and permission to release communications intelligence must be obtained from its originator. Communications intelligence is covered specifically by para. 3 of this directive, in that it bears one or more codewords or special instructions which dictate handling in special dissemination channels.

3/

- a. Release shall be limited to private individuals (including consultants) or organizations certified by the sponsoring member of the United States Intelligence Board as being under contract to the United States Government for the purpose of performing classified services in support of the mission of a member agency<sup>4/</sup>, his department or service, as having a need-to-know, and as possessing the required security clearances.
- b. The responsibility for ensuring that releases to contractors are made pursuant to this policy statement shall rest with the sponsoring member of the USIB (i. e. , the Chief of the USIB intelligence component seeking release on his own behalf or on behalf of a component within his department or service) or his designee.<sup>5/</sup>
- c. The agency releasing the intelligence material shall maintain a record of the material released and shall upon request report such releases to the originating agency.

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3/ Release is the visual, oral or physical disclosure of classified intelligence material.

4/ Non-USIB Government components under contract to fulfill an intelligence support role, may be treated as members of the intelligence community rather than as contractors, (NSCID No. 1 (New Series) footnote 2; USIB-D-39. 5/12, para. 8. d.; USIB-M-201, para. 5). When so treated, it shall be solely for the specific purposes agreed upon, and shall in no case include authority to disseminate further the intelligence material made available to them.

5/ Releasing agencies are required to delete: a) the CIA seal, b) the phrase "Directorate of Plans", and c) the source description from all CIA/Clandestine Services reports passed to contractors, unless prior approval to release such information is obtained from CIA.

- d. Intelligence material released to a contractor does not become the property of the contractor and can be withdrawn from him at any time. Upon expiration of the contract, the releasing agency shall assure that all intelligence materials released under authority of this agreement and all other materials of any kind incorporating data from such intelligence materials are returned to the releasing agency for final disposition.
- e. Contractors receiving intelligence material will not release the material (a) to any activity or individual of the contractor's organization not directly engaged in providing services under the contract, nor (b) to another contractor (including a sub-contractor), government agency, private individual or organization without the consent of the releasing agency (which shall verify that the second contractor has a need-to-know and meets security requirements).
- f. Intelligence material will not be released to foreign nationals whether or not they are also consultants, U.S. contractors or employees of contractors, and regardless of the level of their security clearance, except with the specific permission of the originating agency.
- g. Contractors shall be required to maintain such records as will permit them to furnish on demand, the names of individuals who have had access to intelligence materials in their custody.
- h. Contractors may not reproduce any material released without the express permission of the agency having contractual responsibilities. All requirements for control and accountability for original documents as indicated above shall apply equally to copies made.

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2. The following intelligence materials shall not be released to contractors:

- a. National Intelligence Estimates (NIEs), Special National Intelligence Estimates (SNIEs), and National Intelligence Projections for Planning (NIPPs) are not releasable and hence shall bear the Controlled Dissem stamp. However, information contained therein may be made available, without identification as national intelligence, over the by-line of the USIB member authorizing its release.
- b. National Intelligence Survey (NIS) Section 56: Intelligence and Security, is not releasable and hence shall bear the Controlled Dissem stamp.

3. The following intelligence materials shall not be released to contractors unless special permission has been obtained in writing from the originator:

Materials which by reason of sensitivity of content bear special markings, such as Controlled Dissem, contained in DCID 1/7 (New Series) 2 Feb 67, or warnings which prohibit dissemination to contractors, or which are marked for handling in special dissemination channels.

4. Questions concerning the implementation of this policy and these procedures shall be referred for appropriate action to the USIB Intelligence Information Handling Committee.

Corrected 9 April 1970

Proposed Navy change to footnote 1, page 1, of "Information Release to Contractors" paper.

1/ "General policy is set forth in DCID No. 1/7, 'Control of Dissemination of Foreign Intelligence,' approved 7 August 1975 (effective 5 October 1975). In accordance with paragraph 5a(3) of DCID 1/7, the USIB agencies agree that Government-owned laboratories, or facilities operated by a contractor as an extension of a department or agency represented on the USIB, and performing classified services in direct support of the intelligence mission of a USIB department or agency (including the military departments), and which are designated as authorized channels by the USIB Principal concerned, are not considered contractors for the purposes of this policy statement."